

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANDY BUXTON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:15-cv-1653
)	
IVA C. DOUGHERTY, <i>et al.</i> ,)	
Defendants.)	

ORDER

AND NOW, this 23rd day of July, 2018, it is hereby **ORDERED, ADJUDGED AND DECREED** that for the reasons set forth in the accompanying memorandum opinion:

1. the Report and Recommendation dated March 8, 2018 (ECF No. 101) is adopted in part and rejected in part; Defendant Paul Ianetti's Motion to Dismiss (ECF No. 63) is **GRANTED** and all claims against him are dismissed with prejudice; Paul Ianetti's Motion for Summary Judgment (ECF No. 77) is **DENIED AS MOOT**; the Motion to Deny Motion for Summary Judgment filed by plaintiff Andy Buxton ("Buxton") (ECF No. 81) is **DENIED**;
2. the Report and Recommendation dated March 13, 2018 (ECF No. 102) is adopted in part and rejected in part; defendant Rivers Casino's Motion to Dismiss (ECF No. 61) is GRANTED without prejudice; and
3. the Report and Recommendation dated April 27, 2018 (ECF No. 108) is adopted in part and rejected in part.
 - a. the Motion to Dismiss for failure to state a claim (ECF Nos. 53) filed by defendants Pennsylvania Office of Attorney General, Iva C. Dougherty, Katie A. Wymard, Richard Miller, Robert Marsili, Andrew Toth, Christopher

Antonucci, Scott Shank, Dan Sammartino is **GRANTED** and that all claims against them are dismissed with prejudice;

b. the Motion to Dismiss filed by Allegheny County (ECF No. 58), is **GRANTED** and all claims against it are dismissed with prejudice;

c. the Motion to Dismiss filed by defendant City of North Huntingdon (ECF No. 92) is **GRANTED** and all claims against it are dismissed with prejudice; and

d. the Motion to Dismiss filed by defendant Amber Noel (ECF No. 98) is **GRANTED** and all claims against her are dismissed with prejudice.

4. The claims against defendant Keith J. Hoey and defendant Sumner Parker are sua sponte **DISMISSED** with prejudice.

IT IS FURTHER ORDERED THAT: Plaintiff's "Declaration for Entry of Default" (ECF No. 110) is **DENIED**.

IT IS FURTHER ORDERED THAT the Plaintiff may file a motion for leave to file his Third Amended Complaint on or before August 23, 2018; failure to file such a motion by that date will result in the dismissal of this action with prejudice without the need for notice or action by any party.

BY THE COURT:

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge

cc: ANDY BUXTON
MS 1885
SCI Mercer
801 Butler Pike
Mercer, PA 16137
(via U.S. First Class Mail)

All counsel of record
(via CM/ECF electronic notice)